



OFFICE MEMORANDUM

DATE: June 13, 1997

TO: District Engineers
District Field Engineers
District Construction Engineers
Resident/Project Engineers
District Operations Engineers
TSC Managers
District Maintenance Supervisors
District Maintenance Engineers

FROM: Paul F. Miller
Engineer of Construction

Andre D. Clover
Acting Engineer of Maintenance

SUBJECT: Joint Construction and Maintenance Circular Letter 1997-B:
Contract Administration and Oversight Guidelines for Warranty Work on
Preventive Maintenance Projects

Projects with warranty requirements will begin to appear in lettings starting with the June 6, 1997, letting. The warrantied work is on Preventive Maintenance projects in the areas of bituminous overlay, bituminous crack treatment, microsurfacing, chip seals, and concrete pavement repair. In addition to becoming familiar with the Special Provisions for Warranty Work included in the project's proposal (and listed on the Frequently Used Special Provisions List beginning with SP 501 (E)), the following are guidelines for contract administration and contract oversight for warranty work at the project level.

Pre-Construction Meeting:

In addition to the normal pre-construction meeting discussions and requirements, the below items should be discussed as applicable at the pre-construction meeting. A date for the Pre-Construction On-Site Meeting should be set. For warrantied bituminous paving projects, the Contractor's Quality Control Plan as well as the Contractor's method for determining random core locations will be provided, discussed, and approved at the meeting. Also, it should be emphasized that there are no incentives or disincentives allowed on warrantied bituminous paving projects. And, since most of the documentation is being done by the Contractor on warrantied projects, the Federal Highway Administration has asked Michigan Department of Transportation to remind the Contractor at the meeting of the Federal penalty for falsification of statements or records on Federal

Aid Projects. (This will be in the form of a Special Provision shortly, but for warrantied projects let through July 1997, this statement should be made to the Contractor at the Pre-con: AThe making or use of false statements is a felony punishable by fine of not more than \$10,000.00 or imprisonment of not more than 5 years, or both. Making or using false claims for the purpose of obtaining payment against Federal Funds subjects violators to forfeiture of \$2,000.00 for each violation.@

Pre-Construction On-Site Meeting:

An on-site meeting prior to the start of any physical construction is required in a majority of the Warranty Work Specifications. Even when not required by Specification, it is recommended that an on-site meeting be held on all warrantied projects prior to the start of construction. The items to be reviewed at the on-site meeting include the Contractor's detailed work schedule, the traffic control plan, and the documentation required of the Contractor and its submittal to the Project Office. The Special Provision for Maintaining Traffic should be reviewed in depth at the on-site meeting as well as the Contractor's plan for fulfillment of the Special Provision for Maintaining Traffic. Depending on the circumstances and the type of warranty work, the On-Site Meeting may be held on the same day that production begins or in advance of production start-up.

Inspection and Documentation by the Contractor and MDOT:

In addition to any required documentation found in the Specifications, the Contractor is responsible for submitting a Contractor's Daily Report to the Engineer on warrantied projects. For standardization, it is recommended that the attached AContractor's Daily Report@be given to the Contractor for their use and submittal with any required certifications included. Although none of the warranty specification language precludes the Engineer from inspecting or visiting the site, the following minimal site visits are recommended.

A site visit is recommended at the start up of any new work operation. Additionally, the work site should be visited by MDOT often enough to reasonably assure the Engineer that the Contractor is performing work according to the Specifications and to periodically verify the quantities to ensure that pay estimates represent the work actually done by the Contractor. Several of the warrantied pay items have units of measurement that are verifiable after placement such as Roadbed Kilometer or Square Meter. For bituminous paving warranty projects, Form 1911 (Job Mix Formula - Bituminous Field Communication) is not required and the Department will run and determine the Ride Quality Index (RQI).

Warrantied Items and Non-Warrantied Items on the Same Project:

It will be very possible to have warrantied items and non-warrantied items of work on the same project. Items which are not under warranty will follow normal procedures and will require inspection by MDOT and either certification or testing and proper documentation.

Initial Acceptance for Warrantied Projects:

At the completion of construction of the warrantied work, MDOT and the Contractor will review the work for compliance with the contract. If the work is determined by MDOT to not be in compliance, the Contractor is required to repair all defects in materials and/or workmanship. Any photos, videos, etc., in the Engineer's possession that document non-compliance with the contract should be shared with the Contractor at this point. When the work is in compliance, the attached form entitled "Initial Acceptance for Preventive Maintenance Warranty" should be used to document initial acceptance. On projects with multiple job numbers, the bottom box on this form (Initial Acceptance of Warranty Work Approval) should not be filled in until the very last job of the project is in compliance and has received initial acceptance. The last job's date accepted should match the acceptance date in the bottom box. When the bottom box is completed, it is the Contractor's responsibility to submit a copy of the form to the Surety Company and MDOT's responsibility to submit a copy to Financial Services-Payments. At this point in time, the Warranty Period begins (two years or three years depending on the warranty work type).

Final Estimate/Final Acceptance of the Project:

The final estimate should be submitted and the project should be final accepted as they normally are regardless of the fact that the project will still be within a Warranty Period. However, the Warranty Bond should only be released at the end of the Warranty Period and after all corrective actions have been completed.

Engineer of Construction

Acting Engineer of Maintenance

Subject Index: Warranty Work

PFM:MLL:hr

attachments

cc: Lansing Construction Division Engineers
 Lansing Construction Division Technicians

POST on bulletin board
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Engineering Services Division
M&T Division
Design Division
Maintenance Division
Traffic&Safety Division
OEO, Lisa Thompson
J. DeSana
G. Taylor
T. Maki
P. Isom
L. Galehouse
R. Knapp
R. Beckon
AUC
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